



HON. SYLVIA O. HINDS-RADIX
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November 10, 2022

BY ECF

Hon. Valerie Figueredo
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Burns v. City of New York, et al.*
No. 22-CV-2371 (AT) (VF)

Dear Judge Figueredo:

I am an Assistant Corporation Counsel in the Office of Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, attorney for the City of New York in the above-referenced matter, in which Plaintiff alleges he did not receive a second dosage of the COVID-19 vaccine while in the custody of the New York City Department of Correction ("DOC"). I write to respectfully request that the Court adjourn the initial case management conference, currently scheduled for November 15, 2022, *sine die*, to provide Plaintiff the opportunity to inform the Court of his current contact information.

At the time of the filing of his Complaint, Plaintiff was a pretrial detainee in the custody of DOC. ECF No. 2. Yesterday, I became aware that Plaintiff was released on bail and discharged from DOC custody on October 25, 2022. *See* DOC Inmate Lookup Service, attached hereto as Exhibit A. Plaintiff has neither provided the Court or the City with his current contact information, nor has he communicated with the Court or the City in any regard since he served his Complaint, except for a letter filed on September 7, 2022 (ECF No. 16).

On October 21, 2022, the Court issued its Initial Case Management Conference Order, setting an initial case management conference to be held on November 7, 2022, and requiring the parties to meet and confer regarding a proposed discovery schedule. ECF No. 26. On October 27, 2022, the City requested the Court adjourn the initial case management conference, and on October 31, 2022, the court adjourned the conference to November 15, 2022. ECF No. 29. On November 7, 2022, having received no communication from Plaintiff, the City sent Plaintiff—by overnight mail to his DOC address—a copy of its proposed case management

MEMO ENDORSED


HON. VALERIE FIGUEREDO
UNITED STATES MAGISTRATE JUDGE

Dated: 11-10-2022

The initial case management conference scheduled for November 15, 2022 is adjourned to December 21, 2022 at 11:00 a.m. Defendants are directed to inform the Court by December 14, 2022 if they have still not had any further contact with Plaintiff by that date. SO ORDERED.

plan along with a blank form for Plaintiff to complete to the extent he disagrees with the City's proposals.

Because Plaintiff was discharged from DOC custody on October 25, 2022, it is highly unlikely that Plaintiff received the Court's initial case management conference order (mailed to Plaintiff at his DOC address on October 24, 2022), and it is almost certain he did not receive the Court's October 31, 2022 order adjourning the initial case management conference to November 15, 2022 (ECF No. 29) (mailed to Plaintiff on November 1, 2022) or the City's November 7, 2022 mailing.

It is Plaintiff's obligation to keep the Court and opposing counsel apprised of his current contact information. Until he does so, the Court cannot contact Plaintiff to advise him of any conference dates and I am unable to confer with him regarding a case management plan. Accordingly, the City respectfully requests that the Court adjourn the initial case management conference *sine die*, to afford Plaintiff time to advise the Court of his contact information, and for the parties to confer on a case management plan.

Thank you for your consideration of this matter.

Respectfully submitted,

/s/ Aaron Wiener

Aaron Wiener, Esq.
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Enclosure

cc: By First Class Mail
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